

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

REGENT COMMUNICATION, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 07-499-JJF
	:	
RILEY INVESTMENT PARTNERS	:	
MASTER FUND, LP, RILEY	:	
INVESTMENT MANAGEMENT LLC,	:	
and SMH CAPITAL	:	
	:	
Defendants.	:	

ORDER

WHEREAS, the Court conducted a hearing on Regent Communication, Inc.'s Motion For Temporary Restraining Order (D.I. 4) on August 29, 2007;

WHEREAS, the Court concludes from the alleged facts and circumstances that Defendants' activities have not amounted to a proxy solicitation;

WHEREAS, the Court concludes that Plaintiffs have failed to demonstrate irreparable harm, Tootsie Roll Indus., Inc. v. Sathers, Inc., 666 F.Supp. 655, 658 (D.Del. 1987) (when determining whether to issue a temporary restraining issue, "[t]he Court must consider whether (1) the movant has shown that there is a reasonable likelihood that it will succeed on the merits; (2) the movant has demonstrated that it will suffer irreparable harm absent the relief sought; (3) other parties will be substantially injured by the relief; and (4) where the public interest lies.");

NOW THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Motion For Temporary Restraining Order (D.I. 4) is DENIED.

August 30, 2007  
DATE

Joseph D. Fannin Jr.  
UNITED STATES DISTRICT JUDGE